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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,896	02/20/2004	Sandra Helton McCain	2003-0753.01	7194
21972 7590 10/10/2007 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			EXAMINER FAISON GEE, VERONICA FAYE	
			ART UNIT 1793	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/783,896
Filing Date: February 20, 2004
Appellant(s): MCCAIN ET AL.

**MAILED
OCT 10 2007
GROUP 1700**

Ronald Aust
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6-20-07 appealing from the Office action mailed 1-24-07.

(1) Real Party in Interest

The real party in interest in this appeal is Lexmark International, Inc., a corporation organized and existing under the laws of the State of Delaware, which owns the entire interest in this patent application as set forth in the underlying claimed invention.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

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The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The 102(b) rejection over Takemoto US Patent 6,075,069 is no longer applicable.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,482,256

Kanaya et al

11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanaya et al (US Patent 6,482,256).

Kanaya et al teach an ink set comprising a yellow ink, two magenta ink composition different from each other in color density and two cyan ink composition different from each other in color density (col. 6 lines 39-47). The colorant in the yellow ink is in the amount of 0.3 to 6 percent by weight (col. 9 lines 13-15). The magenta ink with higher color density is referred to as the deep magenta ink and the lower color density is referred to as the light magenta ink. The reference teaches that the magenta

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colorant is present in the amount of 0.5 to 5 percent by weight (col. 9 line 29-col. 10 line 20). The cyan ink with higher color density is referred to as the deep cyan ink and the lower color density is referred to as the light cyan ink (col. 18 lines 52-58). The reference teaches that the amount of cyan colorant present is in the range of 0.4 to 6 percent by weight (col. 19 line 56-col. 20 line 25). The reference also teaches that a black ink may be included in the ink set and the colorant may be dye or pigment such as carbon black (col. 21 lines 9-24). A surfactant may also be added to the ink composition in the amount of 0.1 to 3 percent by weight that include acetylene glycol (i.e. polymeric dispersant including Olfine STG and Olfine E 1010(col. 22 lines 16-56). The reference discloses that the inks in the ink set are loaded into respective ink chambers (col. 45 lines 9-30) and that the inks are jetted through more than one nozzle in the printhead (col. 45 lines 63-65). The reference remains silent to the optical density percentage of the dilute color ink. However it is the position of the Examiner this limitation is considered inherent because there does not appear to be any reason why the cited reference would not contain an ink composition with applicants claimed optical density percentage, because the amount of colorant and other components are similar to the ink composition disclosed in Applicant's specification. The composition as taught by Kanaya et al appears to anticipate the claimed invention.

(10) Response to Argument

Applicant argues that Kanaya et al does not teach dilute color inks and the black ink each in separate chambers in the same printhead. The Examiner respectfully disagrees with Applicant. The reference discloses that the ink set are loaded into

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respective ink chambers (col. 45 lines 9-30) and that a black ink composition may be a part of the ink set wherein the colorant may be a carbon black pigment (col. 21 lines 9-24).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Veronica Faison-Gee



Conferees:

Romulo Delmendo *Appeals Specialist*

Jerry Lorengo

